

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

Plaintiff,

Case No. 09-CR-043-SPF

v.

LINDSEY KENT SPRINGER,
OSCAR AMOS STILLEY

Defendants.

MOTION FOR DAUBERT HEARING¹

Lindsey Kent Springer (“Springer”) moves the Court for a hearing pursuant to Federal Rules of Evidence 104, 702 and the Supreme Court’s decision in Daubert v. Merrill Dow Pharmaceuticals, 509 U.S. 579, 589 (1993).

In the Prosecution’s Rule 16 they identify Brian Miller will be providing expert testimony regarding “taxation.” See Doc. 126 at 2.

The Prosecution explains:

Near the end of its case-in-chief, the Government will call a summary expert witness trained in taxation and accounting. This witness, IRS Fraud Technical Advisor Agent Brian Miller, will provide an analysis of the financial records introduced into evidence and explain the tax consequences of the Government’s evidence. Specifically, the witness will compute various defendants’ annual income for the years set forth below. The expert witness will also testify as to the income tax

¹Springer filed a Motion in Limine regarding Brian Miller as he is to be a fact witness in this case. This Motion is filed in the event the District Court denies the Motion in Limine.

consequences of non-reporting of income by these defendants.

Therefore, Springer requests a hearing to allow voir dire of Brian Miller in a Daubert hearing prior to the trial set for October 26, 2009.

Respectfully Submitted
/s/ Lindsey K. Springer
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Lindsey Kent Springer's
Motion for Daubert Hearing on Brian Miller was ecf'd on September 30, 2009, to:

Kenneth P. Snoke,
Charles O'Reilly,
Oscar Stilley

/s/ Lindsey K. Springer
Signature